

Petition in the case of Vladyslaw OSTROWSKI against the sentence of fifteen years imprisonment passed against him by the G.C.M. at Bineburg on the 17 Nov 1945.

The accused V. Ostrowski is concerned with the 1st charge /Belsen/ only. See charge sheet.

The evidence against him is only documentary and contained in six affidavits made by Russians and are to be found in vol 15/38, vol 15/42, vol 16/3, vol 16/24, vol 16/38, vol 16/52.

Out of those six affidavits four are sworn, and two unsworn, as the deponents left Belsen before the depositions were put into the form affidavits.

Reference is here made to the direction given to the Court by the Judge Advocate in the matter of affidavits in general vol 11/4 para 5 and 4.

There is a strong case of corroboration in respect of the evidence of the prosecution.

Nevertheless there is an explanation to this corroboration which submission is important and undermines to some extent anyway the force of those accusations. This explanation is based on information given in this respect throughout the case and will be for the purpose presented here in a condensed manner.

The story of the accused is contained in vol 43/6 etc.

He was identified by the Russians in prison, as they were brought there for this purpose in groups by sgt Scamans vol 14/15 what was in my submission a very irregular thing to do.

Examined carefully those affidavits contain some discrepancies, apparently small, relating to dates and function alleged to be held by the accused in Belsen and also in Dora camp before his arrival at Belsen.

But these discrepancies should not have occurred if the deponents knew the accused as well as they say they know him and if they were bringing forward facts which really did happen.

First of all there is an apparent illfeeling between the accused and the Russians. What the accused said in the witness box about being wounded in 1939 on the Russian front may be at the root of it. There might have been a mutual political illfeeling or hate between those men and the allegations of crimes might be born out of it as a result.

No cross-examination possible allowed the Court to find out the truth.

The lack of allegations coming from other allied nationals who lefted in the same block may corroborate this submission.

The case from the prosecution point of view looks rather like a conspiracy, facilitated greatly by the way the identification was made.

Ostrowski himself denied all allegations, saying he was ill during the 7 days he spent at Belsen 43/3.

The Judge Advocate has failed to mention in this case the evidence given in Court in the defence of Ostrowski by his witness D. SALOMON, 43/14.

This witness and an other man Trzoc 43/34 witness for the defence of the accused Burgraf both corroborate what Ostrowski said : namely that he was lying on a bunk ill, and that they did not see him perform any duties in the camp.

In my submission preference should have been given to the sworn testimony of the witnesses and not to the affidavits.

Again in this case in my submission the sentence of fifteen years imprisonment is not justified.

He was an internee in concentration camps for over 3 years, and was in this respect a victim of war. He has held the lowest position in the camp for a very short period in Dora but this is not on the charge. He again is sentenced as heavily as are some SS who for years were responsible for conditions in different camp.

Lt A. Jedzejowicz
Defending Officer appointed.